

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER QUALITY

P. O. BOX 100 • SACRAMENTO 95801
(916) 445-7971In Reply Refer To:
516:JT

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Mr. Fred Mortensen
Sewer Authority Mid-Coastside
501 Main St.
Half Moon Bay, CA 94011

SAM (C-06-1022-100) COMMENTS ON THE PROPOSED JOINT POWER AGREEMENT AMENDMENT

Margery Knapp of our legal staff and I have reviewed the proposed Joint Powers Agreement (JPA) Amendment dated May 14, 1979. The amendment as proposed is inadequate for the following reasons:

1. The JPA must clearly state the intent of all constituent members of SAM to give SAM authority to plan, design, construct, operate and maintain the described project, and their intent to utilize and pay for the operation and maintenance of the facilities following construction. The JPA must also indicate the member agencies' willingness to comply with permit requirements and grant conditions.
2. The project description should include estimated project costs to make the agreement more specific.
3. This amended section of the JPA should contain a statement that this section constitutes project approval and budget approval as required by Sections III-F and V-B.
4. Article IV, Section B2 (Phasing) indicates that the final size of the treatment facilities will be confirmed after the Local Coastal Plans (LCP) are completed. The intent of our agreement and the Regional Board compliance schedule is that the treatment plant capacity be decided prior to finalization of the LCP's, after the LCP's have developed sufficient information for the Coastal Commission to decide appropriate population projections for the SAM project.
5. Article IV, Section E (Capacity Allocation) indicates SAM's consideration of a project with greater total capacity than 2.0 mgd. A project with capacity greater than 2.0 mgd would require a subsequent EIR to be prepared which would cause a delay that the Division of Water Quality is not willing to accept.